



Federal Communications Commission  
Washington, D.C. 20554

**DA 05-1326**

May 12, 2005

Landal G Lowery  
Lowery Satellite Services, Inc.  
45 Drennen Road  
Orlando, FL 32806

Re: Call Sign: E050102  
SES-LIC-20050412-00428

Dear Mr. Lowery:

On April 12, 2005, Lowery Satellite Services, Inc. filed the above-captioned application for authority to operate a Conventional Ku-Band<sup>1</sup> Temporary Fixed Earth Station. Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss this application as defective because of internal inconsistencies in the power levels provided.

Specifically, the Equivalent Isotropically Radiated Power (EIRP) density you provide in the application does not agree with that derived from the accompanying engineering data. In Schedule B, Item E49, you indicate that the maximum EIRP Density per carrier is -17.78 dBW/4 kHz for the emission 36M0F3F. This value is inconsistent with the possible value of 29.01 dBW/4kHz calculated from the 68.55 dBW EIRP in Item E48. Given this inconsistency, we cannot determine the actual emission power in use.

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<sup>1</sup> 14.0-14.5 GHz.

Accordingly, pursuant to Section 25.112(a)(1)<sup>2</sup> of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss your application as defective without prejudice to refiling.<sup>3</sup>

Sincerely,

Scott A. Kotler  
Chief, Systems Analysis Branch  
Satellite Division

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<sup>2</sup> 47 C.F.R. Section 25.112(a)(1). *See also* Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).

<sup>3</sup> If Lowery Satellite Services refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. *See* 47 C.F.R. Section 1.1109(d).